



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2240

Introduced 1/11/2006, by Sen. Carol Ronen

SYNOPSIS AS INTRODUCED:

225 ILCS 90/17

from Ch. 111, par. 4267

Amends the Illinois Physical Therapy Act. Removes having treated ailments of human beings as a licensed physical therapist independent of a documented referral or a documented current and relevant diagnosis from a physician, dentist, advanced practice nurse, physician assistant, or podiatrist, and having failed to notify the physician, dentist, advanced practice nurse, physician assistant, or podiatrist who established a documented current and relevant diagnosis that the patient is receiving physical therapy pursuant to that diagnosis from the list of occurrences upon which the Department of Financial and Professional Regulation may base the decision to take disciplinary action. Effective immediately.

LRB094 15593 RAS 50798 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Physical Therapy Act is amended by
5 changing Section 17 as follows:

6 (225 ILCS 90/17) (from Ch. 111, par. 4267)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 17. (1) The Department may refuse to issue or to
9 renew, or may revoke, suspend, place on probation, reprimand,
10 or take other disciplinary action as the Department deems
11 appropriate, including the issuance of fines not to exceed
12 \$5000, with regard to a license for any one or a combination of
13 the following:

14 A. Material misstatement in furnishing information to
15 the Department or otherwise making misleading, deceptive,
16 untrue, or fraudulent representations in violation of this
17 Act or otherwise in the practice of the profession;

18 B. Violations of this Act, or of the rules or
19 regulations promulgated hereunder;

20 C. Conviction of any crime under the laws of the United
21 States or any state or territory thereof which is a felony
22 or which is a misdemeanor, an essential element of which is
23 dishonesty, or of any crime which is directly related to
24 the practice of the profession; conviction, as used in this
25 paragraph, shall include a finding or verdict of guilty, an
26 admission of guilt or a plea of nolo contendere;

27 D. Making any misrepresentation for the purpose of
28 obtaining licenses, or violating any provision of this Act
29 or the rules promulgated thereunder pertaining to
30 advertising;

31 E. A pattern of practice or other behavior which
32 demonstrates incapacity or incompetency to practice under

1 this Act;

2 F. Aiding or assisting another person in violating any
3 provision of this Act or Rules;

4 G. Failing, within 60 days, to provide information in
5 response to a written request made by the Department;

6 H. Engaging in dishonorable, unethical or
7 unprofessional conduct of a character likely to deceive,
8 defraud or harm the public. Unprofessional conduct shall
9 include any departure from or the failure to conform to the
10 minimal standards of acceptable and prevailing physical
11 therapy practice, in which proceeding actual injury to a
12 patient need not be established;

13 I. Unlawful distribution of any drug or narcotic, or
14 unlawful conversion of any drug or narcotic not belonging
15 to the person for such person's own use or benefit or for
16 other than medically accepted therapeutic purposes;

17 J. Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 which results in a physical therapist's or physical
20 therapist assistant's inability to practice with
21 reasonable judgment, skill or safety;

22 K. Revocation or suspension of a license to practice
23 physical therapy as a physical therapist or physical
24 therapist assistant or the taking of other disciplinary
25 action by the proper licensing authority of another state,
26 territory or country;

27 L. Directly or indirectly giving to or receiving from
28 any person, firm, corporation, partnership or association
29 any fee, commission, rebate or other form of compensation
30 for any professional services not actually or personally
31 rendered. Nothing contained in this paragraph prohibits
32 persons holding valid and current licenses under this Act
33 from practicing physical therapy in partnership under a
34 partnership agreement, including a limited liability
35 partnership, a limited liability company, or a corporation
36 under the Professional Service Corporation Act or from

1 pooling, sharing, dividing, or apportioning the fees and
2 monies received by them or by the partnership, company, or
3 corporation in accordance with the partnership agreement
4 or the policies of the company or professional corporation;

5 M. A finding by the Board that the licensee after
6 having his or her license placed on probationary status has
7 violated the terms of probation;

8 N. Abandonment of a patient;

9 O. Willfully failing to report an instance of suspected
10 child abuse or neglect as required by the Abused and
11 Neglected Child Reporting Act;

12 P. Willfully failing to report an instance of suspected
13 elder abuse or neglect as required by the Elder Abuse
14 Reporting Act;

15 Q. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice the
18 profession with reasonable judgement, skill or safety;

19 R. The use of any words (such as physical therapy,
20 physical therapist physiotherapy or physiotherapist),
21 abbreviations, figures or letters with the intention of
22 indicating practice as a licensed physical therapist
23 without a valid license as a physical therapist issued
24 under this Act;

25 S. The use of the term physical therapist assistant, or
26 abbreviations, figures, or letters with the intention of
27 indicating practice as a physical therapist assistant
28 without a valid license as a physical therapist assistant
29 issued under this Act;

30 T. Willfully violating or knowingly assisting in the
31 violation of any law of this State relating to the practice
32 of abortion;

33 U. Continued practice by a person knowingly having an
34 infectious, communicable or contagious disease;

35 V. Having treated ailments of human beings otherwise
36 than by the practice of physical therapy as defined in this

1 ~~Act, or having treated ailments of human beings as a~~
2 ~~licensed physical therapist independent of a documented~~
3 ~~referral or a documented current and relevant diagnosis~~
4 ~~from a physician, dentist, advanced practice nurse,~~
5 ~~physician assistant, or podiatrist, or having failed to~~
6 ~~notify the physician, dentist, advanced practice nurse,~~
7 ~~physician assistant, or podiatrist who established a~~
8 ~~documented current and relevant diagnosis that the patient~~
9 ~~is receiving physical therapy pursuant to that diagnosis;~~

10 W. Being named as a perpetrator in an indicated report
11 by the Department of Children and Family Services pursuant
12 to the Abused and Neglected Child Reporting Act, and upon
13 proof by clear and convincing evidence that the licensee
14 has caused a child to be an abused child or neglected child
15 as defined in the Abused and Neglected Child Reporting Act;

16 X. Interpretation of referrals, performance of
17 evaluation procedures, planning or making major
18 modifications of patient programs by a physical therapist
19 assistant;

20 Y. Failure by a physical therapist assistant and
21 supervising physical therapist to maintain continued
22 contact, including periodic personal supervision and
23 instruction, to insure safety and welfare of patients;

24 Z. Violation of the Health Care Worker Self-Referral
25 Act.

26 (2) The determination by a circuit court that a licensee is
27 subject to involuntary admission or judicial admission as
28 provided in the Mental Health and Developmental Disabilities
29 Code operates as an automatic suspension. Such suspension will
30 end only upon a finding by a court that the patient is no
31 longer subject to involuntary admission or judicial admission
32 and the issuance of an order so finding and discharging the
33 patient; and upon the recommendation of the Board to the
34 Director that the licensee be allowed to resume his practice.

35 (3) The Department may refuse to issue or may suspend the
36 license of any person who fails to file a return, or to pay the

1 tax, penalty or interest shown in a filed return, or to pay any
2 final assessment of tax, penalty or interest, as required by
3 any tax Act administered by the Illinois Department of Revenue,
4 until such time as the requirements of any such tax Act are
5 satisfied.

6 (Source: P.A. 93-1010, eff. 8-24-04; 94-651, eff. 1-1-06.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.